



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,208	01/04/2002	Ara H. Gharapetian	45784-87	6472

7590 06/08/2005
Squire, Sanders & Dempsey L.L.P.
14th Floor
801 S. Figueroa Street
Los Angeles, CA 90017-5554

EXAMINER

DU, THUAN N

ART UNIT PAPER NUMBER

2116

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,208

Applicant(s)

GHARAPETIAN, ARA H.

Examiner

Thuan N. Du

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 14-17, 21-24, 26 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 14-17, 21-24, 26 and 28-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

20

DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment (dated 4/4/05).
2. Claims 9-13, 18-20, 25 and 27 have been cancelled. Claims 1-8, 14-17, 21-24, 26 and 28-32 are presented for examination.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. The rejections are respectfully maintained and reproduced infra for applicant's convenience.

Claim Rejections - 35 USC § 102

5. Claims 1-5, 7, 8, 14, 17, 21-24, 26, 28, 29 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Darbee et al. [Darbee] (U.S. Patent No. 5,552,917). U.S. Patent No. 5,552,917 was submitted by applicant on 5/29/02.
6. Regarding claim 1, Darbee teaches a remote control (10), comprising:
 - a memory (RAM 54) pre-programmed [col. 8, lines 1-10; col. 15, line 57 to col. 16, line 11] with addresses and commands [col. 6, line 60 to col. 7, line 2] for a plurality of electronic devices for a home theatre system [col. 8, lines 10-15];
 - a processor (CPU 56) capable of communicating with the memory to access the addresses and commands for the plurality of electronic devices [col. 6, line 60 to col. 7, line 2];

a one-step initiation device (DO button) capable of communicating with the processor [col. 5, lines 25-27] so that when the initiation device is activated the processor encodes an address and a command into a signal for each electronic device in the plurality of electronic devices [col. 6, lines 34-36; col. 9, line 48 to col. 10, line 6; col. 16, lines 38-41]; and

a transmitter [col. 8, lines 45-55] capable of communicating with the processor where the processor directs the transmitter to sequentially send automatically the signal to each electronic device in the plurality of electronic devices [col. 15, line 57 to col. 16, line 41].

7. Regarding claim 2, Darbee teaches the remote control further including an input device capable of receiving address and command for an electronic device from a memory storage area [col. 5, lines 25-27; col. 8, lines 1-19].

8. Regarding claim 3, Darbee teaches the remote control further including an output device capable of communicating with the microprocessor and displaying information about a status of the remote control [col. 3, line 65 to col. 4, line 5].

9. Regarding claim 4, Darbee teaches a remote control (10), comprising:

a processor capable of communicating with a memory pre-programmed with addresses and commands for a plurality of electronic devices for a home theatre system [col. 6, line 60 to col. 7, line 2];

a one-step dedicated button (DO button) capable of communicating with the processor [col. 5, lines 25-27] so that when the one-step dedicated button is activated the processor encodes an address and a turn on or off command into a signal for each electronic device in the plurality of electronic devices [col. 6, lines 34-36; col. 9, line 48 to col. 10, line 6; col. 16, lines 38-41];
and

a transmitter [col. 8, lines 45-55] capable of communicating with the processor where the processor directs the transmitter to send the signal to each electronic device in the plurality of electronic devices [col. 15, line 57 to col. 16, line 41].

10. Regarding claim 5, Darbee teaches that the signal for each electronic device in the plurality of electronic devices is sent sequentially [col. 16, lines 20-40].

11. Regarding claim 7, Darbee teaches the remote control further including an input device capable of receiving address and command for an electronic device [col. 5, lines 25-27; col. 8, lines 1-19].

12. Regarding claim 8, Darbee teaches the remote control further including an output device capable of communicating with the microprocessor and displaying information about a status of the remote control [col. 3, line 65 to col. 4, line 5].

13. Regarding claims 14, Darbee teaches that the address encoded in the signal for a TV [col. 8, lines 12-13].

14. Regarding claim 17, Darbee teaches a remote control, comprising:

a memory (RAM 54) pre-programmed [col. 8, lines 1-10; col. 15, line 57 to col. 16, line 11] with addresses and commands [col. 6, line 60 to col. 7, line 2] where each of the plurality of commands performs an operation for a corresponding plurality of electronic devices for a home theatre system and each of the plurality of addresses corresponds to an electronic device within the plurality of electronic devices [col. 8, lines 10-15; col. 15, line 57 to col. 16, line 40];

a one-step dedicated button (DO button) capable of communicating with a microprocessor [col. 5, lines 25-27] to encode a turn on or off signal with the address and

Art Unit: 2116

command for each electronic device in the plurality of electronic devices [col. 6, lines 34-36; col. 9, line 48 to col. 10, line 6; col. 16, lines 38-41]; and

a transmitter [col. 8, lines 45-55] automatically sending the signal for each electronic device in the plurality of electronic devices [col. 15, line 57 to col. 16, line 41].

15. Regarding claims 26 and 32, Darbee teaches a system comprising:

a plurality of electronic devices for a home theatre system where each of the plurality of electronic devices are assigned a corresponding address to receive a turn on or off signal [col. 8, lines 1-19]; and

a remote control pre-programmed with the corresponding address for each electronic device in the plurality of electronic devices, where the remote control has a one-step dedicated button capable controlling the plurality of electronic devices by sending the turn on or off signal encoded with the corresponding address and a command to control each electronic device in the plurality of electronic devices [all the claimed subject matter is already discussed in respect to claims 1, 4 and 17 above].

16. Regarding claim 28, all the claimed subject matter is already discussed in respect to claim 4 above.

17. Regarding claim 29, Darbee teaches that the plurality of electronic devices including a TV [col. 8, lines 12-13].

18. Regarding claims 21-24, since they recite method of operating of the apparatus defined in the apparatus claims, they are rejected accordingly based on the rejection of the apparatus claims.

Claim Rejections - 35 USC § 103

19. Claims 6, 15, 16, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee et al. [Darbee] (U.S. Patent No. 5,552,917).

20. Regarding claim 6, Darbee does not explicitly teach that the remote control including a plurality of transmitters for simultaneously transmitting a plurality of signal to the plurality of electronic device. However, it is a matter of design choice to integrate a plurality of transmitters into the remote control for simultaneously transmitting a plurality of signals.

21. Regarding claims 15, 16, 30 and 31, Darbee does not explicitly teaches the devices including a DVD or an amplifier. One of ordinary skill in the art would have recognized that a DVD or an amplifier is an electronic device. Darbee teaches that the remote control capable of controlling a multiple number of different electronic devices [col. 7, lines 56-58]. Therefore, it would have been obvious to one of ordinary skill in the art to recognize that the remote control taught by Darbee would also capable of controlling a DVD or an amplifier.

Response to Argument

22. Applicant's arguments filed on April 4, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that Darbee does not teach or suggest a one-step button to trigger the processor to encode an address and a command into a signal for each electronic device in the plurality of electronic devices, examiner respectfully disagrees. Darbee teaches that the system is turned on with just a single press of one button. Darbee clearly discloses that "the device knows how to turn your TV, VCR . . . just by pressing one button" and

Art Unit: 2116

“Aim the device 10 at your equipment and press DOI” (emphasis added) [col. 16, lines 38-41].

As discussed above, in order for turning on the system using the device 10, the processor of the device 10 has to encode an address and a command into a signal for each electronic device in the plurality of electronic devices. Therefore, Darbee teaches the one-step dedicated button as claimed.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2116

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday-Friday: 9:30 am - 6:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (703) 872-9306.

25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).



Thuan N. Du
June 6, 2005